



H.C.P.(MD)No.875 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD)No.875 of 2024

Annamalai

... Petitioner / Brother of Detenu

Vs.

1.State of Tamil, Rep. by
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and District Magistrate,
Thoothukudi, Thoothukudi District.

3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli District. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, calling for the entire records, connected with the detention order passed in H.S.(M).Confdl.No.75/2024 dated 09.06.2024 on the file of the second respondent and quash the same and direct the respondents to produce the detenu or body of the detenu namely, petitioner's brother ie., Kantha



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Subramanian aged 26 years, S/o.Sankaralingam, now detained at the Central Prison, Palayamkottai before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Muthumalai Raja

For Respondents : Mr.T.Senthilkumar,
Addl. Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

The petitioner's brother was detained as “Drug Offender” vide order 09.06.2024 by the second respondent. Representation dated 03.07.2024 was submitted for revocation of the detention order. The file was submitted by ASO on 11.07.2024. The Deputy Secretary dealt with the file on 22.07.2024. There is an unexplained delay of five days in dealing with the representation. We are satisfied that the detenu's right guaranteed under Article 22 of the Constitution of India has been infringed. It is well settled that delay in considering the representation of the detenu is fatal to the continuance of the detention.



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2.In this view of the matter, we hold that the detenu's continued detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

3.This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
09.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 10.12.2024.

To:-

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Thoothukudi, Thoothukudi District.
- 3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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R.POORNIMA, J.

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